

Memorandum



Date: October 19, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Agenda Item No. 7(P)(1)(J)

From: George M. Burgess
County Manager

Subject: Change Order No. Two (Unilateral)
Venetian Causeway Toll Plaza Reconstruction
Project No. 662451

The attached **Change Order No. Two (Unilateral)** of a contract between **R.L. Saum Construction Company, Inc.**, and Miami-Dade County has been prepared by the Public Works Department and is recommended for approval.

CHANGE ORDER NO.:	Two (Unilateral)
PROJECT:	Venetian Causeway Toll Plaza Reconstruction
PROJECT NO.:	662451
PROJECT LOCATION:	Venetian Causeway
PROJECT DESCRIPTION:	The project consists of the demolition and construction of a new toll plaza canopy structure, new toll booths, administration building, parking area, bike paths and walkways, including reinstallation of the electronic toll system in the new facilities.
PRIME CONTRACTOR:	R.L. Saum Construction Company, Inc.
COMPANY PRINCIPAL(S):	Robert L. Saum
CERTIFIED AS COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) AT TIME OF AWARD:	Yes
COMPANY QUALIFIER(S):	Robert L. Saum
LOCATION OF COMPANY:	Miami, Florida

YEARS IN BUSINESS:	Twenty-eight (28)
CSBE MEASURE AT AWARD:	CSBE Set-Aside Level 2
CURRENT CSBE STATUS:	On February 11, 2004, R.L. Saum was found by the Department of Business Development (DBD) in non-compliance with Ord. 97-52, which governs the Community Small Business Enterprise (CSBE) Program, for utilizing an unapproved firm for \$932.02. Pursuant to the CSBE Ordinance, R.L. Saum was required to make-up double the amount of the CSBE deficit or \$1,864.04 (932.02×2) on a future County contract. R.L. Saum has submitted a plan to achieve the CSBE make-up requirement on Project No. 662454-B. DBD accepted the make-up plan on June 16, 2004, and will monitor the new project to assure compliance with the make-up plan requirements.
PREVIOUS CONTRACTS WITH COUNTY DURING THE PAST FIVE YEARS:	Four contracts, for a total of \$6,146,608.00 (See Exhibit "A")
ORIGINAL COST ESTIMATE:	\$1,592,000.00
ORIGINAL CONTRACT AMOUNT:	\$2,089,106.88 (See Exhibit "B" for Bid Tabulation)
CONTINGENCY FUND USAGE (WHEN CHANGE ORDER WAS INITIATED):	Beginning Balance: \$ 140,000.00 Total Amount Used: \$ 91,454.07
CONTINGENCY FUND USAGE (TO DATE):	Total Amount Used: \$ 57,424.07 Ending Balance after Change Order: \$ 82,575.93 (See Exhibit "C")

PREVIOUS CHANGE ORDER(S):

Change Order One, approved by the Board on May 11, 2004, increased the contract amount by (+) \$62,320.97, added one (1) new contract pay item and extended contract time by ninety-three (93) calendar days.

**CHANGE ORDER
RECOMMENDATION:**

Extend contract time by ninety-four (94) calendar days.

**CLASSIFICATION FOR
CHANGE ORDER:**

- ☐ Regulatory Change
- ☐ Other Agency Request Change
- ☐ Design Errors Change
- ☐ Design Omission Change
- ☐ County Requested Change
- ☒ Unforeseen/Unforeseeable Change
- ☐ Other:

**JUSTIFICATION FOR
CHANGE ORDER:**

To this date the contractor has requested an extension of time totaling one hundred and ten (110) calendar days; however, staff recommends approval of only ninety-four (94) calendar days.

Eleven (11) days of delay were related to a storm water drainage pipe which ran through the proposed administration building pad area into the area where the temporary detour road had to be constructed.

The other eighty-three (83) days of delay resulted from the following issues:

- Temporary roadway lighting had to be installed along the detour road for safety reasons. This work, although performed by another contractor, had to

be completed prior to diverting traffic to the detour road which in turn delayed the commencement of construction on the new toll plaza.

- Utility conflicts encountered during construction of the detour road included the need to protect an electrical box and the removal of a valve box associated with a Water and Sewer chlorination station.

This change order is unilateral because the contractor has refused to sign it, since he does not agree with the number of days being recommended for approval nor with the "full accord" language included therein.

**ADJUSTED CONTRACT
AMOUNT INCLUDING THIS
CHANGE ORDER:**

\$2,151,427.85

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS CHANGE
ORDER (FROM ORIGINAL
CONTRACT AMOUNT:**

0.00%

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS CHANGE
ORDER (FROM PREVIOUSLY
ADJUSTED CONTRACT AMOUNT:**

0.00%

**TOTAL PERCENT INCREASE OR
DECREASE FROM ORIGINAL
CONTRACT AMOUNT:**

(+) 2.98%

CONTRACT TIME:

270 calendar days

NOTICE TO PROCEED DATE:

January 6, 2003

**ORIGINAL CONTRACT
COMPLETION DATE:**

October 2, 2003

**TIME EXTENSION ON
PREVIOUS CHANGE ORDER(S):**

Ninety-three (93) calendar days

**TIME EXTENSION (THIS
CHANGE ORDER):**

Ninety-four (94) calendar days

REVISED COMPLETION DATE:

April 6, 2004

USING AGENCY:

Public Works Department

MANAGING AGENCY:

Public Works Department

FUNDING SOURCE:

Secondary Gas Tax Funds

**ALLOWANCES/CONTINGENCY
ORDINANCE NO. 00-65:**

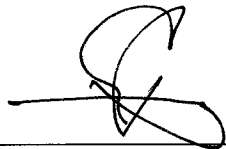
Within Guidelines
\$ 140,000.00 – 7.18%

**APPROVED FOR LEGAL
SUFFICIENCY:**

Yes

**DEPARTMENT OF BUSINESS
DEVELOPMENT REVIEW:**

Yes – March 2, 2001



Pedro G. Hernandez, P.E.
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 19, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(P)(1)(J)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(P)(1)(J)
10-19-04

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. TWO
(UNILATERAL) TO THE CONTRACT WITH R.L. SAUM
CONSTRUCTION COMPANY, INC., FOR VENETIAN
CAUSEWAY TOLL PLAZA RECONSTRUCTION (MIAMI-DADE
COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 662451)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds in the best interest of the County to approve Change Order No. Two (Unilateral), for Venetian Causeway Toll Plaza Reconstruction (Miami-Dade County Public Works Department Project No. 662451), with R.L. Saum Construction Company, Inc., extending contract time by ninety-four (94) calendar days, in substantially the form attached hereto and made a part hereof; and authorizing the County Manager to execute same for and on behalf of the County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of October, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. _____

Hugo Benitez

By: _____
Deputy Clerk

MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO. TWO (Unilateral) PROJECT NO. 662451 DATE: December 29, 2003

PROJECT TITLE: RECONSTRUCTION OF VENETIAN CAUSEWAY TOLL FACILITY

TO CONTRACTOR: R. L. SAUM CONSTRUCTION COMPANY, INC. 10737 SW 104th STREET MIAMI, FLORIDA 33176
YOU ARE HEREBY REQUESTED TO MAKE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY,
SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Extend contract time by ninety four (94) calendar days.

JUSTIFICATION:

The contractor experienced unforeseen delays totaling 94 calendar days as follows:
Eleven days of delay were related to a storm water drainage pipe which ran through the proposed administration building pad area and into the area where the temporary detour road had to be constructed.
The other 83 days of delay resulted from the following issues:
1. Temporary roadway lighting had to be installed along the detour road for safety reasons. This work, although performed by another contractor, had to be completed prior to diverting traffic to the detour road which in turn delayed the commencement of construction on the new toll plaza.
2. Utility conflicts encountered during construction of the detour road included the need to protect an electrical box and the removal of a valve box associated with a water and sewer chlorination station.

Contractor hereby waives and releases the County of any and all liability for claims, additional costs, and any request for additional time arising out of the fulfillment of this contract and change order, from the date of contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT	\$2,089,106.88
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	\$62,320.97
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$2,151,427.85
COST OF CONSTRUCTION CHANGES THIS ORDER	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$2,151,427.85
PERCENT INCREASE, THIS CHANGE ORDER	0.00%
TOTAL PERCENT INCREASE TO DATE	2.98%
EXTENSION OF CONTRACT TIME ALLOWED BY THIS CHANGE	94
CALENDAR DAYS TO	April 6, 2004.

CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under the benefit of competitive bidding.

12. B. L. COUNTY ATTORNEY'S OFFICE
PUBLIC WORKS DEPARTMENT
TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER
PW246421CSWT, 99110 AC 4/21/04
FUNDS BUDGETED CODE
HEAD, CONSTRUCTION CONTRACT MANAGEMENT SECTION
DATE 3-30-04
CERTIFIED BY (FIN. DIV.)

ACCEPTED BY: _____ CONTRACTOR
SURETY
APPROVED: Chir 6/21/04
BUDGET DIRECTOR
MIAMI-DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: _____ CHIEF, CONSTRUCTION DIVISION
By: _____ COUNTY MANAGER

APPROVED: _____ ASSISTANT DIRECTOR
ATTEST: _____

APPROVED: _____ DEPARTMENTAL DIRECTOR
By: _____ DEPUTY CLERK

Marsha Jackson
Department of Business Development

Prepare in Sets. (6 copies) Retain gold copy. Forward all other copies to Budget Department. Upon approval, Budget will forward all copies to the County Manager. County Manager will forward all copies to Clerk of the Board. Clerk of the Board will make final distribution. Supplemental 105.01-15 to be used for submitting detailed estimate. 105.01-14 Rev. 12/89 Metro-Dade/GSA-Mat. MGT.

ALL COPIES MUST BE SIGNED



MIAMI DADE COUNTY
Firm History Report
(excluding A&E)

From: 01/01/1999 To: 08/04/2004

FIRM NAME: R. L. SAUM CONSTRUCTION CO.
12905 SW 13 St, Unit 6
Miami, FL 33186-0000

E X H I B I T " A "

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
S-667(R)	1	WS	LEVEL 3 SET ASIDE CSBE 100%	01/21/1999	\$1,684,000	\$1,631,011 03/31/2002	\$1,631,011	08/26/2002	* AZTEC ROOFING CO. - \$9,950.00 * GAYMAN ELECTRIC SERVICE, INC. - \$206,365.00 * L & H ELECTRIC, INC. - \$196,410.00
					\$1,684,000				
96T004	1	SW	GOAL CSBE 19%	12/16/1999	\$931,007	\$790,360 03/31/2002	\$1,003,718	06/03/2002	* L & H ELECTRIC, INC. - \$98,012.00 * S & S CONTRACTING, INC. - \$0.00 * SO. FLA. PROPERTY DEVELOPERS - \$0.00
ENHANCED TRASH AND RECYCLING CENTER (SIC 15)					\$76,743				
Change Order # 1		42 days			\$1,007,749				
662451	1	PW	LEVEL 2 SET ASIDE CSBE 100%	07/23/2002	\$2,089,107	\$1,228,175 06/08/2004	\$1,490,522	06/30/2004	* C. L. ELIAS CONSTRUCTION, INC. - \$62,673.21 * DOME ENTERPRISES, INC. - \$167,128.55 * FLORIDA ROOFING SOLUTIONS, INC. - \$38,500.00 * FRANKLIN FLOORING, INC. - \$0.00 * GREEN LIFE IRRIGATION, INC. - \$0.00 * PALLAIS CONSTRUCTION CO., INC. - \$0.00 * PEOPLES PLUMBING, INC. - \$14,550.00 * ROBERTS TRAFFIC CORPORATION - \$0.00 * ROMARY EQUIPMENT, INC. - \$41,782.14 * S & S CONTRACTING, INC. - \$85,000.00 * SOLARES ELECTRICAL SERVICES, INC. - \$143,900.00 * UNITECH MECHANICAL SYSTEMS - \$15,980.00
VENETIAN CAUSEWAY TOLL PLAZA RECONSTRUCTION (SIC 15)					\$62,321				
Change Order # 1	MAY-11-04	93 days			\$2,151,428				
Change Order # 2		90 days							



MIAMI DADE COUNTY
Firm History Report
(excluding A&E)

From: 01/01/1999 To: 08/04/2004

FIRM NAME: R. L. SAUM CONSTRUCTION CO.
12905 SW 13 St, Unit 6
Miami, FL 33186-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE REPORTED	DATE	SUBCONTRACTORS
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662454-B	1	PW	GOAL CSBE 30%	07/27/2004	\$1,303,431				* ROMARY EQUIPMENT, INC. - \$195,514.58
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\$1,303,431

Total Award Amount	\$6,007,544
Total Change Orders Approved by BCC	\$62,321
	\$6,069,865
Total Change Orders Pending	\$76,743
	\$6,146,608

S U M M A R Y O F B I D S
RECONSTRUCTION OF VENETIAN TOLL FACILITY

PAGE 1

HIGHWAY ENGINEERING DIVISION

PROJECT NAME: RECONSTRUCTION OF VENETIAN TOLL FACILITY

E X H I B I T “ B ”

PROJECT NUMBER: 662451

BID OPENING DATE: 01/25/2002

NOT REPONSIVE

NAME	R.L. SAUM CONSTRUCTION CO.	DALECOM CONSTRUCTION INC.	GRAY CONSTRUCTION & ASSOCIATES
ADDRESS	10737 SW 104TH ST	9745 SUNSET DR DR	12222 SW 128TH ST
CITY, STATE	MIAMI, FL 33176	MIAMI, FL 33173	MIAMI, FL 33186

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	TYPE	UNIT PRICE	BID AMOUNT	TYPE	UNIT PRICE	BID AMOUNT
771-00	RECONSTRUCTION OF VENETIAN CAUSEWAY TOLL FACILITY (Includes demolition and re-construction of a new toll Plaza canopy structure, new toll booths, administration building, parking area, bike paths and walkways, landscape and irrigation, including the re-installation of the electronic toll system in the new facilities.	L.S.	1.00		2170229.00	2170229.00		2455090.00	2455090.00
999-00	CONTINGENCY ALLOWANCE- (For permits, and unforeseen conditions as authorized by the Engineer)	L.S.	1.00		140000.00	140000.00		140000.00	140000.00
999-1	FOR ALL COST ASSOCIATED WITH THE INDEPENDENT PRIVATE SECTOR INSPECTOR GENERAL.. ((SEE "INSTRUCTIONS TO BIDDERS" AND "GENERAL SPECIFICATIONS")	L.S.	1.00		23102.29	23102.29		25950.90	25950.90
	(1% OF TOTAL BID))							18562.44	18562.44
999-2	FOR COST ASSOCIATED WITH THE OFFICE OF MIAMI-DADE COUNTY INSPECTOR GENERAL. ((See Instruction to Bidders & General Specifications)	L.S.	1.00		5775.57	5775.57		6487.73	6487.73
	(0.0025 X TOTAL BID))							4640.61	4640.61

12

BID OPENING DATE: 01/25/2002

GRAY CONSTRUCTION & ASSOCIATES

9745 SUNSET DR DR

MIAMI, FL 33173

TYPE

\$1,879,447.05

\$1,879,00



Exhibit "C"

Project No.: 662451
Project Name: Reconstruction of Venetian Toll Facility
Contractor: R.L. Saum Construction Co. (10737 S.W. 104 ST. Miami, FL. 33176)

Change Orders	Time Extension (Calendar Days)	Items Added	Increase / Decrease Amounts	BCC / County Manager Approval Dates / Status
Three	100	0	\$0.00	In process
Two	94	0	\$0.00	In process
One	93	1	\$62,320.97	Approved BCC 05/11/04
TOTALS:	287	1	\$62,320.97	

Original Contract Time (Calendar Days): 270
Effective Notice to Proceed Date: January 6, 2003
Original Contract Completion Date: October 2, 2003
Time Extension (Approved Change Orders): 93
Calendar Days added by Option to Renew: N/A
Revised Completion Date: January 3, 2004
Time Extension (Pending Change Orders): 194
Revised Completion Date (Including this Change Order): July 15, 2004

Original Contract Amount: \$2,089,106.88

Approved Change Order Amounts:	\$62,320.97
Adjusted Contract Amount Prior to this Change Order:	\$2,151,427.85
Contract Amount Increase/Decrease this Change Order:	\$0.00
Adjusted Contract Amount Including this Change Order:	\$2,151,427.85

CONTRACT USAGE	ORIGINAL CONTRACT AMOUNT AND APPROVED CHANGE ORDERS	TOTAL AMOUNT PAID (BEFORE CHANGE ORDER)	BALANCE BEFORE CHANGE ORDER	THIS CHANGE ORDER	BALANCE AFTER CHANGE ORDER
Contract Items without Contingency	\$2,011,427.85	\$1,339,961.95	\$671,465.90	\$0.00	\$671,465.90
Contingency Amount	\$140,000.00	\$57,424.07	\$82,575.93	\$0.00	\$82,575.93
Items + Contingency	\$2,151,427.85	\$1,397,386.02	\$754,041.83	\$0.00	\$754,041.83

Contingency Usage

ORIGINAL CONTINGENCY	TOTAL CONTINGENCY PAYMENTS BEFORE CHANGE ORDER	VALUE OF CONTINGENCY ITEMS BEING ADDED AS NEW CONTRACT PAY ITEMS IN THIS CHANGE ORDER	VALUE TO DATE OF CONTINGENCY ITEMS NOT INCLUDED IN THIS CHANGE ORDER		CONTINGENCY BALANCE AFTER CHANGE ORDER
			THROUGH LATEST REQUISITION	# 15, FROM JUNE 01, 2004, TO JUNE 30, 2004.	
\$140,000.00	\$57,424.07	\$0.00		\$57,424.07	\$82,575.93

Work Order Encumbrance

TOTAL WORK ORDERS ISSUED	TOTAL AMOUNT ENCUMBERED (INCLUDES REVISED AND CANCELED WORK ORDERS)	COMPLETED AND PAID	ENCUMBERED BALANCE	AMOUNT UNENCUMBERED
N/A	N/A	N/A	N/A	N/A

Note: This data corresponds to the latest payment requisition.
Req.: #15, from June 01, 2004, to June 30, 2004.
Total of this Requisition: \$68,625.23